IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 23626 of 2007(K)

PETITIONER:

1. JOJI K.JOHN, HSST CHEMISTRY,
   ST.MARY'S HSS, MANARCADU, KOTTAYAM.

2. SANITHA ELIZEBETH SUNNY,
   HSST MATHEMATICS,
   ST.MARY'S HSS, MANARCADU, KOTTAYAM.

BY ADV. SRI.BENOY THOMAS

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
   THE SECRETARY, GENERAL EDUCATION DEPARTMENT,
   TRIVANDRUM.

2. DIRECTOR OF HIGHER SECONDARY EDUCATION,
   TRIVANDRUM.

3. THE MANAGER, ST. MARY'S HSS,
   MANARCAD, KOTTAYAM.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 23626 OF 2007

Dated this the 2nd day of August, 2007

J U D G M E N T

Petitioners claim that they were appointed by respondent No.3/ the manager, in St. Mary's Higher Secondary School, Manarcadu, Kottayam as Higher Secondary School Teachers (Junior) in Chemistry and Mathematics respectively with effect from September 25, 2006.

2. It is contended by them that the above appointment was made pursuant to the selection made by the Committee, which included a Government nominee also. The proposal for approval of appointment of petitioners along with that of another teacher namely, Smt. Merlyn John, who was appointed as HSST (Junior) in Chemistry, was forwarded to the Director of Higher Secondary Education, Thiruvananthapuram.

3. The Regional Deputy Director of Higher Secondary Education at Ernakulam, has by Ext.P5 communication dated July 2, 2007, informed the Manager that the appointments made by him were in clear violation of the prevailing Government Orders particularly in G.O.(MS)No. 398/2002/G.Edn. dated November 29, 2002. Various contentions have been raised by the petitioners in support of their plea that the manager was fully justified in making the appointments. Particular reference has been made to the staff fixation order, issued by the Director.

4. Anyhow, I do not propose to deal with those contentions at this stage in view of the limited prayer made by learned counsel for the petitioners at the Bar. He submits that petitioners have preferred Ext.P8 revision petition before respondent No.1 against Ext.P5 order highlighting all the relevant aspects of the issue. The limited prayer is to issue a direction to respondent No.1 to take a decision on Ext.P8 expeditiously.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P8 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within four months from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that the petitioners, the manager and all others who are likely to be affected by any order that may be passed by him, are afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioners shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007